

REMARKS/ARGUMENTS

Regarding the double patenting rejection, the Office Action states that “Claim 35 of the instant application cites a conduit, an outlet, and a sensor, which are fully disclosed [sic] in claim 28 and 29 of the ‘597 application.” However, the limitation of “a sensor coupled to a conduit” is not disclosed nor made obvious by the claimed inventions in the ‘597 application. Note that every pending claim in the present application includes the limitation of a “sensor coupled to a conduit.” The ‘597 claims do not make obvious the present claims whereby sensors are coupled to a conduit since the ‘597 claims are only concerned with a sensor being “associated with” a plant or plants. For this reason Applicant feels that the double patenting rejection is improper and no terminal disclaimer is necessary.

As agreed-upon by the Examiner in a teleconference on August 15, 2005, Hall does not disclose “a sensor 200 couple [sic] to the conduit 231 for sensing a growth condition” even though this is stated in the Office Action at section 4, second sentence. This statement is a typographical error and is contradicted by the correct statement in the immediately following next sentence of the Office Action which states “Hall, III does not disclose the sensor being coupled to the conduit” (emphasis added). Thus, the text in section 4 beginning at line 4 that states “a sensor 200 couple to the conduit 231 for sensing a growth condition,” should be considered as deleted from the Office Action.

The present invention includes limitations not disclosed by nor made obvious in view of the prior art. For example, the present claims variously recite “a sensor coupled to the conduit, for sensing a condition related to growth of the vegetation”. Although Chaplinsky shows a sensor, this is a flow sensor “which reads the flow of all water through the main line”. Chaplinsky at col. 3, lines 35-36. Such a flow sensor is not a sensor that can be used for “sensing a condition related to growth of the vegetation”. Further, the location of the sensor as internal to the conduit teaches away from using any type of sensor that might sense a condition related to plant growth.

Chaplinsky recommends using “plant tissue analyzing” to “evaluate the actual plant tissue nutrient needs based on each nutrient.” Chaplinsky at col. 1, lines 60-63. This type of analysis requires hand-gathering of plants, air-drying in the sun, placing the samples into containers and transporting the samples to a lab for analysis. Such an approach does not use sensors and it is difficult, if not impossible, to see how sensors would be used to achieve the steps of plant tissue analysis.

Applicant respectfully submits that the present claims are in condition for allowance and an early Notice of Allowance is earnestly sought. The undersigned may be

contacted at the telephone number below at the Examiner's convenience if it would help in the prosecution of this matter.

Respectfully submitted,
CARPENTER & KULAS LLP

By 
Charles J. Kulas
Reg. No. 35,809
Tel.: 415-279-5098